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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

ARNOLD ANDERSON,

          Plaintiff,

    v.

CHRISTIAN PASTUNA, ET AL.,

          Defendants.

Case No. 2:19-cv-02098-RFB-DJA

REPORT AND RECOMMENDATION

The Court previously granted Defendant's request for screening of the complaint pursuant to 28 U.S.C. § 1915. (ECF No. 4). It dismissed his original complaint without prejudice for failure to state a claim on March 26, 2019 and granted him leave to amend by April 16, 2019. *Id*. The Court stated, "**Failure to comply with this Order may result in the Court recommending that this action be dismissed.**" *Id*. To date, the Court has not received an amended complaint or any request to extend the April 16, 2020 deadline for filing one.

RECOMMENDATION

Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED** without prejudice.

NOTICE

Pursuant to Local Rule IB 3-2 any objection to this Report and Recommendation must be in writing and filed with the Clerk of the Court within (14) days after service of this Notice. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985), *reh'g denied*, 474 U.S. 1111 (1986). The Ninth Circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the

order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

DATED: April 27, 2020

DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE